

**US DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-DETROIT**

UNITED STATES OF AMERICA

Plaintiff,

v.

**Case No. 17-20183
Hon. Mark Goldsmith**

D-1 DARRICK BELL

Defendant.

UNITED STATES ATTORNEY
Matthew Schneider (P62190)
Jerome Gorgon
Attorneys for the Government
211 W. Fort Street, Suite 2001
Detroit, MI
313.226.9100 office

AMBERG & AMBERG, PLLC
James W. Amberg (P68564)
Attorneys for D-1 Darrick Bell
32121 Woodward Ave, Ste PH
Royal Oak, MI 48073
248.681.6255 office
248.681.0115 fax
www.amberglaw.net

**DEFENDANT D-1 DARRICK BELL'S MOTION TO EXCLUDE ALL IRRELEVANT
AND PREJUDICIAL EVIDENCE CONTAINED ON VIDEOS, OR IN THE
ALTERNATIVE, TO ORDER THE GOVERNMENT TO PROVIDE A
FOUNDATIONAL BASIS FOR PROPOSED VIDEO EVIDENCE**

***Certificate of Service
Brief in Support***

Now comes Darrick Bell, by his attorney, James W. Amberg, and respectfully requests this Court either exclude all irrelevant and highly prejudicial video footage, or in the alternative, order the Government provide a foundational basis for each proposed video exhibit at least sixty days prior to trial for the following reasons:

1. Pursuant to LCR 7.1, counsel for the Defendant contacted AUSA Jerome Gorgon seeking concurrence in the relief requested in this Motion on March 20, 2020. Concurrence was denied.

AMBERG & AMBERG, PLLC
ATTORNEYS AND COUNSELORS
32121 WOODWARD AVENUE, PH
ROYAL OAK, MI 48073
WWW.AMBERGLAW.NET

(248) 681-6255

2. Mr. Bell is charged in the Superseding Indictment, along with eight other defendants, with a variety of serious charges involving allegations of sex trafficking and narcotics distribution.
3. Specifically, the Superseding Indictment charges Mr. Bell with the following:
 - Count One: Sex Trafficking Conspiracy
 - Count Three: Sex Trafficking by Force, Fraud, and Coercion
 - Count Four: Sex Trafficking by Force, Fraud, and Coercion
 - Count Five: Sex Trafficking by Force, Fraud, and Coercion
 - Count Six: Sex Trafficking by Force, Fraud, and Coercion
 - Count Seven: Sex Trafficking by Force, Fraud, and Coercion
 - Count Eight: Sex Trafficking by Force, Fraud, and Coercion
 - Count Eleven: Conspiracy to Distribute a Controlled Substance
 - Count Fifteen: Distribution of a Controlled Substance Resulting in Death or Serious Injury
 - Count Seventeen: Distribution of a Controlled Substance Resulting in Death or Serious Injury
 - Count Eighteen: Maintaining Drug-Involved Premises
4. As has been discussed in other motions and throughout the case by all the parties, a surveillance video exists containing months of video which may ultimately become Government exhibits.
5. The Government has produced multiple lists containing hundreds of moments from the surveillance video which are important to their case against Mr. Bell.
6. Included within this list are references to many different events which will be argued below have no probative value and are highly prejudicial. For example, viewing the list for Camera 5, the following can be seen:
 - People walking around the hotel naked;
 - People behaving erratically;
 - People vomiting;
 - People behaving strangely;
 - People punching each other;
 - People beaten;
 - Police officer involvement.

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7. This observation is a microcosm of the entirety of the Government's various lists.
8. The Federal Rules of Evidence prohibit irrelevant and prejudicial evidence.
9. It is unknown how people walking around a hotel naked or behaving erratically has any relevance to the issues at hand.
10. Further, any limited probative value of this evidence is outweighed by the highly prejudicial nature of the evidence.
11. Because of the multitude of potential events listed by the Government, it is nearly impossible to adequately challenge each specific event without filing hundreds of separate motions.
12. Instead, it is requested that the Court order the Government to provide to Mr. Bell a foundational explanation for relevancy of each event they anticipate admitting during the trial.
13. Otherwise, Mr. Bell simply requests the Court exclude the entirety of the video evidence as it is irrelevant and highly prejudicial.

FOR THESE REASONS, as well as those contained in the attached Brief in Support, Mr. Bell requests the Court either exclude all irrelevant and highly prejudicial video footage, or in the alternative, order the Government provide a foundational basis for each proposed video exhibit at least sixty days prior to trial.

Respectfully submitted,

/s/James W. Amberg
AMBERG & AMBERG, PLLC
James W. Amberg P68564
Attorneys for D-1 Darrick Bell
32121 Woodward Ave. Suite PH
Royal Oak, MI 48073
248.681.6255
248.681.0115 (fax)

Dated: March 20, 2020

Certificate of Service

I, James W. Amberg, attorney at law, certify that on March 20, 2020, I caused a copy of this Motion to be served upon the Government and the Court via efile.

/s/ James W. Amberg
James W. Amberg (P68564)

AMBERG & AMBERG, PLLC
ATTORNEYS AND COUNSELORS
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**BRIEF IN SUPPORT OF DEFENDANT D-1 DARRICK BELL'S MOTION TO
EXCLUDE ALL IRRELEVANT AND PREJUDICIAL EVIDENCE CONTAINED ON
VIDEOS, OR IN THE ALTERNATIVE, TO ORDER THE GOVERNMENT TO
PROVIDE A FOUNDATIONAL BASIS FOR PROPOSED VIDEO EVIDENCE**

FRE 402 states that "[e]vidence which is not relevant is not admissible."

FRE 401 states that "'Relevant Evidence' means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." FRE 403 indicates that "[a]lthough relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence."

In determining whether the offered evidence is probative of a material issue other than character, the court must apply a three-part inquiry as follows: "(1) the

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evidence is offered for an admissible purpose, (2) the purpose for which the evidence is offered is material or 'in issue,' and (3) the evidence is probative with regard to the purpose for which it is offered." *United States v Bell*, 516 F3d 432, 441 (2008) Accordingly, the "government's purpose in introducing the evidence must be to prove a fact that the defendant has placed, or conceivably will place, in issue, or a fact that the statutory elements obligate the government to prove." *United States v Merriweather*, 78 F3d 1070, 1074 (6th Cir 1996)

The case at hand involves conspiracies for narcotics trafficking and sex trafficking. At least some of the underlying factual allegations took place at the Victory Inn hotel. It is important to discuss what the Victory Inn hotel was at the time of the alleged conspiracy. Per the Victory Inn's archived website, (https://web.archive.org/web/20161021154513/http://www.avictoryhotels.com/east_dearborn.htm)(attached as **Exhibit A**), this particular location had 42 rooms, a normal hotel amenity, and even a continental breakfast option. Simply put, this was an active and running hotel filled with all sorts of different customers. Peeling away the onion, it seems that the actual usage of the hotel catered to longer staying guests. The hotel further allowed drug use and other criminal activities to thrive on its premises.

However, the fact that the hotel was a den of moral turpitude does not mean that the actions of its patrons automatically become part of the conspiracies alleged. Unless the Government can somehow explain, for example, how a naked man walking around the hotel has any relevance to this case, it must not be allowed to be shown to the jury. Even if the Government could somehow establish some level of relevancy, it would be outweighed by the extreme prejudice that showing a video clip like that would cause. This is just a single example of hundreds of relevancy challenges. As such, the Court must order the Government

provide Mr. Bell with some sort of brief explaining the foundational relevancy to each exhibit in which they propose to be admitted at trial. If the Government wishes to not do this, the only other appropriate remedy would be to exclude the entirety of the video.

Respectfully submitted,

/s/ James Amberg

AMBERG & AMBERG, PLLC
James W. Amberg P68564
Attorneys for D-1 Darrick Bell
32121 Woodward Avenue, PH
Royal Oak, MI 48073
248.681.6255
248.681.0115 (fax)

March 20, 2020

AMBERG & AMBERG, PLLC
ATTORNEYS AND COUNSELORS
32121 WOODWARD AVENUE, PH
ROYAL OAK, MI 48073
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Exhibit A

AMBERG & AMBERG, PLLC
ATTORNEYS AND COUNSELORS
32121 WOODWARD AVENUE, PH
ROYAL OAK, MI 48073
WWW.AMBERGLAW.NET

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http://www.avictoryhotels.com/east_dearborn.htm

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22 Sep 2010 - 21 Oct 2016

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Dearborn, Michigan (East)

Find A Victory Hotel

A Victory Inn – East Dearborn

9430 Michigan Avenue
Detroit, MI 48210

For Reservations and Information:

Direct: (313) 582-2300

Fax: (313) 582-2215

Toll Free: (877) 235-7361

Tour groups and corporate rates available.

E-MAIL:

info@victoryinneastdearborn.com

Reservations: (313) 582-2300 or TOLL FREE (877) 235-7361

[Online Reservations](#)[Directions](#)

The perfect location for business and entertainment. We're right on the edge of the Detroit and Dearborn borderlines, with many restaurants, bars, and live entertainment only a few steps away. Downtown and Detroit casinos are less than 15 minutes away. Dearborn City center approximately 2 miles (straight) west on the same street Michigan Avenue.

Dearborn, MI
Clear
Humidity: 55%
Visibility: 10 miles/16 km
Wind: WNW at 6 mph / 9 km/h

Updated: 10:53 PM
72°F / 22°C
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Facilities Include:

- 42 Beautiful Newly Decorated Guest Rooms And Exterior
- Free Continental Breakfast
- Ice, Soft Drinks, and Snack Machines
- Fax/Copy Service Available At The Front Desk
- Free Local Phone Calls
- Front Desk 24 Hour
- Free Coffee 24 Hours In The Lobby Area

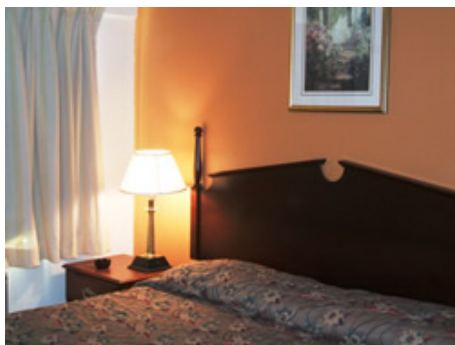


Room Amenities:

- Cable TV with Remote (Free HBO, ESPN, Disney, CNBC, USA and CNN)
- Coffee makers in all rooms
- In-room hair dryers
- Free wireless high-speed Internet access
- King whirlpool rooms available
- Non-smoking rooms available
- Refrigerator and microwave in all rooms
- Iron & ironing board
- Weekly/Extended stay rates available (must contact hotel direct)



Room Type:



http://www.avictoryhotels.com/east_dearborn.htm

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**Close proximity to:**

- Henry Ford Museum and Greenfield Village (less than 15 mins West)
- Unity Studios (less than 15 mins Southwest)
- Ford World Headquarters (6 mins West on Michigan Ave.)
- Fairlane Town Ctr Shopping Mall (9 mins West on Michigan Ave.)
- Westborn Mall - 11 minutes West
- Automotive Hall of Fame - 9 minutes West
- Dearborn's Ford Community & Performing Arts Center (5 mins)
- Dearborn Hills Golf Course -12 minutes West
- Sports Arenas
- Downtown Detroit/Casinos - 15 minutes East
- Detroit Metro Airport -13 minutes Southwest
- Amtrack 6 - minutes West

**Nearby restaurants include:**

- Papa Romano's - 1.6 miles West
- Ponderosa Steak House - 2.1 miles West
- Olive Garden 2.4 miles West
- Steve's Soul Food - 2.9 miles East
- Thai Palace 2 - 1.3 miles West
- Noah's Deli - 1.6 miles West
- Chili's - 3 miles West
- Muer's Big Fish Bistro - 3 miles West

**Major Attractions and Visitor Information:**

- [Unity Studios](#)
- [Visit Detroit.com](#)
- [The Henry Ford](#)
- [Henry Ford Estate](#)
- [Metro Airport](#)
- [Dearborn's Ford Community & Performing Arts Center](#)
- [Comerica Park](#)
- [Ford Field](#)
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